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9 Attorneys for Defendant  
10 BENJAMIN TODD ELLER

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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 JULIA HUBBARD, et al.,

15 ) Case No.: 2:22-CV-7957-FAR-MAA

16 ) Plaintiff(s),

17 ) **DEFENDANT BENJAMIN TODD**  
18 ) **ELLER'S SEPARATE**  
19 ) **STATEMENT OF FACTS IN**  
20 ) **RESPONSE TO MARCH 6, 2023**  
21 ) **ORDER TO SHOW CAUSE**  
22 ) **(DKT 87)**

23 vs.

24 TRAMMELL CROW, et al.,

25 ) Defendant(s).

26 ) *[Declaration Of Indira J. Cameron-*  
27 ) *Banks; Declaration of Benjamin Todd*  
28 ) *Eller]*

29 ) Honorable Fernando L. Aenlle-Rocha



1       Defendant Benjamin Todd Eller (hereinafter, “Eller”) hereby submits this  
 2 Statement, along with Declarations of Indira J. Cameron-Banks and Benjamin  
 3 Todd Eller in response to the Court’s March 6, 2013 Order to Show Cause as to  
 4 why this case should not be transferred pursuant to 28 U.S.C. § 1404 (Dkt. 87).

5       When considering whether to transfer a case pursuant to §1404, the district  
 6 court may consider facts outside the pleadings. *See generally Argueta v. Banco*  
 7 *Mexicano, S.A.*, 87 F.3d 320, 324 (9th Cir. 1996); *Fluence Energy, LLC v. M/V*  
 8 *BBC Finland*, 584 F. Supp. 3d 878, 886 (S.D. Cal. 2022).

9       This lawsuit was filed in the Central District of California *solely* based on  
 10 Eller’s alleged bad “acts” characterized as “central to and essential to the work of  
 11 the Venture described herein.” (Compl. ¶ 53) Thus it is appropriate for the Court  
 12 to exercise its discretion to consider disputed facts about the “acts” described in the  
 13 Complaint as they are the only reason this lawsuit was initiated in the Central  
 14 District of California.

15       The Complaint’s allegations, which are generally conclusory and  
 16 implausible, and rely on embedded images of altered purported documents to  
 17 support the allegations that are “central to and essential” to grounding venue in this  
 18 District. As set forth in the attached declarations and exhibits, these documents  
 19 (and allegations based on them) are ***false, fraudulent and/or intentionally***  
 20 ***misrepresented*** in the Complaint, and thus cannot, and should not, be considered  
 21 for the purposes for establishing venue, or justifying Plaintiff’s choice of forum in  
 22 the Central District of California.

23       Dated: March 24, 2023

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25       \_\_\_\_\_  
 26       /s/ *Indira J. Cameron-Banks*  
 27       Indira J. Cameron-Banks  
 28       Attorneys for Defendant  
 BENJAMIN TODD ELLER